



Environmental/Historic Preservation Guidance & Established Questions

An environmental and historic preservation review will be conducted for all project (non-planning) activities proposed under FEMA's Pre-Disaster Mitigation (PDM) competitive grant program. Sub-applicants are required to provide several pieces of important information detailed in this guidance to support the environmental and historic preservation compliance process. FEMA will use this information during the National Evaluation of applications and, if projects are selected, to make the final environmental compliance determination. After formal submission and selection of an application, FEMA will complete the environmental/historic preservation review with the assistance of both the Applicant and the Sub-applicant.

The required environmental and historic preservation information is presented in the form of questions and supporting documentation. The questions included in this attachment reflect what is requested in FEMA's electronic grants (e-Grants) system and, along with the supporting documentation, can be used as guidance when preparing either paper or e-Grants applications. Sub-applicants must answer the initial question in each section and subsection, and provide all relevant data requested. Some of the additional information may only be necessary if there are potential impacts. Please provide written comment or attach relevant documents to explain any issues identified when answering the questions, other potential impacts, special circumstances, or environmental or historic treatment measures integrated into the project.

The information requested here is the minimum required, and should not constrain Sub-applicants from providing more information where potential impacts are identified. It is important that Sub-applicants provide complete and accurate information at the time of application, as incomplete applications will not be considered for PDM competitive grants. If Sub-applicants have questions regarding this guidance, they should consult the official designated point of contact in their State/Tribe. For further information on FEMA's Environmental and Historic Preservation Programs, go to <http://www.fema.gov/ehp/slt.shtm>.

For purposes of environmental and historic preservation review, the Sub-applicant and Applicant should not only evaluate potential impacts of the project itself, but also any associated construction activities such as temporary access roads, staging yards, or borrow areas. All costs associated with treatment measures must be integrated into the project costs.



A. National Historic Preservation Act - Historic Structures

1. Does your project affect or is it in close proximity to any buildings or structures 50 years or more in age? *YES or NO*

If *YES*, provide the following supporting information in your application for those structures over 50 years in age. The first item is essential. The other items should be provided as appropriate for the project situation.

- ☐ For each property affected identify the property address, its original date of construction, and at least two color photographs showing at least three sides of the structure.
- ☐ Request for information and response letter from the State Historic Preservation Officer, and/or the Tribal Historic Preservation Officer (SHPO/THPO), as well as other sources such as a local historical society.
- ☐ Documentation of any structures listed or eligible for listing on the National Register of Historic Places or within or near a National Register Historic District. Include, if possible a diagram or map of the relation of the buildings(s) to the area.
- ☐ Documentation of how the project design will minimize the effects on historic structures or potential historic structures, and any alternatives to avoid or minimize effects on historic structures. Please address and note associated costs in project budget.
- ☐ For acquisition/demolition projects, data regarding consideration of elevation or relocation as alternatives.

BACKGROUND

Reference: National Historic Preservation Act 16 U.S.C., 470 et seq. The regulations are at 36 CFR Parts 60, 61, 63, 68, 79, and 800.

With careful planning, mitigation projects may include structures that are listed on the National or State Register of Historic Places, such as homes, public buildings, bridges, dams, water treatment plants and other elements of infrastructure. Even if not listed on a historic register, buildings 50 years or more in age must be evaluated for their historical significance. Simply being identified as historic does not mean "hands off." Indeed, in many cases it makes sense to consider how historic and cultural resources can be protected from future damage. The approach you take will depend on several factors, including negotiations with FEMA and the SHPO/THPO, but may include:

- Elevation instead of acquisition/demolition: In some cases a closer look at the costs and benefits, and creative options may make elevation a more feasible option for a historic structure.



- Major Flood proofing - Although major flood proofing measures such as wall strengthening and special closures may alter a building, an assessment may suggest that alterations are preferred over certain future damage, especially in areas where substantial damage can be anticipated due to the nature of the flooding characteristics.
- Wind Retrofits - Historic structures have been successfully retrofitted to strengthen resistance to wind damage. Measures may include addition of hurricane clips, quick-install storm shutters, and others. The State grantee agency, FEMA, and the SHPO/THPO can work with the Sub-applicant or Applicant to consider reasonable alternatives that might minimize adverse impacts. If you have suspected or listed historic structures contact your State and FEMA early in the project planning process. The State and FEMA can provide technical assistance and direction for you to evaluate options.
- Collecting Information: The preferred source of information to determine original age of a structure or facility is review of building permit data, engineering documents, or tax/land records information. If other sources are used please explain the source of the information used to make determinations. At a minimum two color photographs showing three sides of the structure must be provided. If outbuildings are present, such as a separate garage or barn, provide two photographs of these structures as well. If possible, original photographs are preferred. Be sure to label the photographs.

If there are potentially historic structures, it may also be beneficial to contact the relevant local government agency or historic society to obtain information on identification or listing of structure(s) on local lists of historic structures and presence of local historic districts encompassing the project area(s).

For additional information regarding historic and cultural resources requirements see FEMA's Historic Preservation Program Web Site <http://www.fema.gov/ehp/nhpa.shtm>.

Additionally, see successful examples integrating historic preservation considerations into mitigation planning and projects at <http://www.fema.gov/ehp/lustron.shtm> and <http://www.fema.gov/ehp/milton.shtm>.

B. National Historic Preservation Act - Archeological Resources

1. Does your project involve disturbance of ground? <i>YES or NO</i>
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If yes, provide the following:

- ☐ Documentation of the ground disturbance by giving the dimensions, (area, volume, depth, etc.) and location, and indicating the past use of the area to be disturbed, noting the extent of previously disturbed ground. Include a site map showing the extent of ground disturbance.



- ☐ As appropriate for projects affecting previously undisturbed ground, attach request information and response letter from the SHPO/THPO and/or the Tribe's cultural resources contact if no THPO is designated.

BACKGROUND

Previously undisturbed ground includes areas that have been in agricultural use. Note this factor when identifying the ground disturbance of the project.

For additional background material on see Background for part A.

C. Endangered Species Act and Fish and Wildlife Coordination Act

1. Is your project in or near (within 200 feet) any type of waterway or body of water, or likely to effect one directly or indirectly. *YES or NO*

If yes, provide the following:

- ☐ Document the type of water body nearby, its dimensions, the proximity of the project activity to the water body, and the expected and possible changes to the water body, if any. Identify all water bodies regardless whether you think there may be an effect.
- ☐ Include a site map showing the project activities in relation to all nearby water bodies (within 200 feet).
- ☐ If there is the potential for the project to effect any water body, request information and response from the US Fish and Wildlife Service and your State Wildlife Agency addressing any potential impacts and include these as documentation with your application.

2. Does your project remove vegetation? *YES or NO*

If yes, provide the following:

- ☐ Document the amount and type of vegetation affected.
- ☐ Include a site map showing the extent of vegetation affected.



3. Are federally listed threatened or endangered species or their critical habitat present in the project area or within the county the project is located within? *YES or NO*

If yes, provide the following:

- ☐ Provide as an attachment the information you obtained to identify species in or near the project area. Ensure the source and date of the information is cited.
- ☐ If there is any potential to affect a listed species, request information and a response letter from the US Fish and Wildlife Service (USFWS), your State Wildlife Agency, and, if there are any ocean-going fish affected, the National Marine Fisheries Service (NMFS) regarding potential species present and potential impacts to species. Attach your request and the response and any other supporting information to your application.

BACKGROUND

Reference: Endangered Species Act (ESA) 16 U.S.C., 1531 et seq. with regulations at 50 CFR Part 402, 450, 451, 452, and 45. Fish and Wildlife Coordination Act 16 U.S.C. 661 et seq.

Sub-applicants or Applicants must consult official and up to date information from the US Fish and Wildlife Service (USFWS) for potential federally listed threatened and endangered species. For additional information on Threatened and Endangered Species, consult the US Fish and Wildlife Service website at www.endangered.fws.gov, and the National Marine Fisheries Service (NMFS) at www.nmfs.noaa.gov.

Consulting with USFWS and/or NMFS is considered part of the Applicant's responsibility, as a non-federal entity, during project application development and serves to initiate the process under the ESA for both the applicant and FEMA. Once a project is selected, FEMA will need to complete required consultation under Section 7 of the Act, which specifically governs federally assisted activities.

Waterways and bodies of water: Projects and water bodies should at a minimum be identified on a USGS 7.5 minute quadrangle. More detailed mapping is preferred if available. Waterways and bodies of water include any type of land feature that contains or conveys waters such as perennial, intermittent, or seasonal streams, drainage swales, seasonally wet areas, ponds, lakes, large streams or rivers, and coastal waterways.

Vegetation: A map and photographs of large vegetation removal areas are very useful and will expedite processing. Generally the greater the amount of vegetation affected by a project, the greater the amount of vegetation information that is necessary. This information becomes more critical if there is potential endangered species habitat present. Sub-applicants should talk with your state contacts before undertaking any detailed studies or fieldwork.



If an agency suggests redesign of the project or use of measures to reduce effects on species, the application scope of work, budget, and project decision-making description should address the suggested changes to the maximum extent possible.

For additional information, see the FEMA Environmental Program website for the Endangered Species Act or the Fish and Wildlife Coordination Act (16 U.S.C., 661 et seq.) at <http://www.fema.gov/ehp/esa.shtm>.

D. Clean Water Act, Rivers and Harbors Act, and Executive Order 11990 (Protection of Wetlands)

1. Will the project involve dredging or disposal of dredged material, excavation, adding fill material or result in any modification to water bodies or wetlands designated as "waters of the U.S" as identified by the US Army Corps of Engineers or on the National Wetland Inventory? *YES or NO*

If yes, provide the following, as appropriate:

- ☐ Request for information and response letter from the US Army Corps of Engineers regarding potential for wetlands, and applicability of permitting requirements;
- ☐ Documentation of the project location on a copy of a National Wetlands Inventory map or other available wetlands mapping information;
- ☐ Documentation of the alternatives considered to eliminate or minimize impacts to wetlands; and
- ☐ If appropriate for the project, documentation that a permit has been applied for, and if available, provide a copy of permits obtained at time of project application.

BACKGROUND

References: Clean Water Act, Section 404 Permitting 33 U.S.C., 1251-1387, regulations at 33 CFR Part 3300. Rivers and Harbors Act; 33 U.S.C. 403. Executive Order 11990 regulations at 44 CFR Part 9.

Waters of the United States and designated wetlands are protected through Federal legislation of the Clean Water Act and through Executive Order 11990, Protection of Wetlands. If your project has the potential of affecting waters, such as navigable waters, interstate waters, wetlands, lakes, rivers, streams (including intermittent streams), etc., certain steps must be taken to identify and, if necessary, reduce the impacts to wetlands.



In addition, work involving possible obstructions in navigable waters is governed by additional requirements under the Rivers and Harbors Act. Both wetlands and navigable waters are administered through the US Army Corps of Engineers.

For additional information, please visit the National Wetland Inventory web site at www.nwi.fws.gov/mapper_tool.htm, or see the FEMA Environmental Program web site www.fema.gov/ehp/laws.shtm

E. Executive Order 11988 (Floodplain Management)

1. Does a FIRM or FHBM indicate the project is located in a 100 year floodplain, in a 500 year floodplain if a critical facility, in a FEMA identified floodway, or in a floodplain as identified by some other source? *YES or NO*

- ☐ If yes, provide documentation to identify the means or the alternatives considered to eliminate or minimize impacts to floodplains. (See the 8 step process found in 44 CFR part 9.6.)

2. Does the project alter a watercourse, water flow patterns, or a drainage way, regardless of its floodplain designation? *YES or NO*

If yes, please provide the following, as appropriate:

- ☐ Documentation of the Hydrology/Hydraulic information from a qualified engineer to demonstrate how drainage and flood flow patterns are changed and to identify down and upstream effects.
- ☐ Documentation of consultation with US Army Corps of Engineers (may be included under Part D of the Environmental Information).
- ☐ Request for information and response letter from the corresponding State agency, if applicable, with jurisdiction over modification of waterways.

BACKGROUND

Reference: Executive Order 11988 Floodplain Management, Regulations at 44 CFR Part 9.

Identifying a Floodplain: The local floodplain management administrator may be in the local, planning, zoning, or building permit department. 100 and 500-year floodplains (A and C Zones), floodways, and V-Zones are identified on most FEMA Flood Insurance Rate Maps (FIRM). Additionally, there may be Flood Hazard Boundary Maps rather the FIRMS for certain areas that show the locations of floodplains without some of the detailed zone delineations. If there are questions regarding interpretation of the NFIP maps or regarding use of the most up-to-date maps, the Sub-applicant should consult the local floodplain management administrator, the



relevant State agency with responsibility for oversight of the NFIP or the FEMA regional office. If there are no NFIP maps available for the community or project area, and the project appears to be in a possible floodplain, the services of a qualified engineer may be required to obtain the necessary information to identify the approximate location of a floodplain. In this instance consultation with the State is recommended. The Sub-applicant may have already provided this information in a section of the application that describes the hazard characteristics and the scope of the project. It is not necessary to duplicate comments, however you should make a notation that information is contained elsewhere in the application.

To obtain a map consult your local floodplain administrator; access FEMA's web site at www.fema.gov, click on the link for the Flood Map Store, and navigate to the online free viewable floodmaps, called FIRMettes; or call FEMA's map service center to order a map 1-800-358-9616.

Floodplain Impacts: Small projects, typically with minor hydraulic and hydrologic effects, such as culvert upgrades and stream bank stabilization require that a qualified engineer have properly designed the project and complete at least a minimal analysis of hydrologic/hydraulic effects. You should consult your State point of contact if you have questions regarding adequate design or analysis of a project. A rigorous analysis and consultation with FEMA engineering and NFIP staff is recommended for projects with potentially substantial or complex effects or for projects located in detailed study areas with identified flood elevations as marked on the Flood Insurance Rate Map. Consult the State contact early if it is anticipated that such an evaluation is necessary.

Additionally, if you have a critical facility involved in your project, you should consult the regulations at 44 CFR Part 9 for this Executive Order to address requirements for critical facilities and actions. In general, critical facilities and actions must be located outside of the 500-year floodplain or, if location outside the 500-year floodplain is not practicable, protected to the 500-year flood level.

For additional information on Executive Order 11988, Floodplain Management, please visit FEMA's Environmental Program web site at <http://www.fema.gov/ehp/feo.shtm>.

F. Coastal Zone Management Act

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| 1. Is the project located in the State's designated coastal zone (consult State Coastal Zone Management agency)? <i>YES or NO</i> |
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- ☐ If yes, please obtain permit or clearance letter from the appropriate State agency that implements the coastal zone management program or attach a request for information and response letter regarding coastal zone management requirements for the proposed activity. This clearance or response from this agency should identify if the action proposed is consistent with the State plan.



BACKGROUND

Reference: 16 U.S.C., 1451 et seq., regulations are at 15 CFR Part 923 and Part 930, Subpart D.

The Coastal Zone Management Act (CZMA) requires that States develop a State Coastal Zone Management Plan or program, and that any Federal agency conducting or supporting activities affecting the coastal zone conduct or support those activities in a manner that is consistent with the approved State plan or program. Federal agencies must have a consistency determination from the State for activities in the coastal zone to be able to fund such activities. For additional information on the CZMA, please visit FEMA's Environmental Program web site at <http://www.fema.gov/ehp/czma.shtm>.

G. Farmland Protection Policy Act

1. Will the project convert more than 5 acres of farmland outside city limits? <i>YES or NO</i>

If yes, provide the following:

☐ Completed USDA/NRCS Form AD-I006

☐ Response from the Natural resource Conservation Service (NRCS) regarding the completed NRCS form.

BACKGROUND

Reference: Farmland Protection Policy Act (FPPA)—Subtitle I of Title XV, Section 1539-1549 of the Agriculture and Food Act of 1981 (Public Law 97-98).

The FPPA is intended to minimize the impact Federal programs have on the unnecessary and irreversible conversion of farmland to nonagricultural uses. It assures that—to the extent possible—Federal programs are administered to be compatible with state, local units of government, and private programs and policies to protect farmland. For the purpose of FPPA, farmland includes prime farmland, unique farmland, and land of statewide or local importance. Farmland subject to FPPA requirements does not have to be currently used for cropland. It can be forestland, pastureland, cropland, or other land, but not water or urban built-up land. For additional information on the Farmland Protection Policy Act consult FEMA's web site at <http://www.fema.gov/ehp/other.shtm>.



H. Hazardous and Toxic Materials

1. Is there a reason to suspect there are contaminants from a current or past use on the property associated with the proposed project? *YES or NO*
2. Are there any studies, investigations, or enforcement actions related to the property associated with the proposed project? *YES or NO*
3. Does any project construction or operation activities involve the use of hazardous or toxic materials? *YES or NO*
4. Do you know if any of the current or past land-uses of the property affected by the proposed project or of the adjacent properties are associated with hazardous or toxic materials ? *YES or NO*

If yes to any of these questions provide the following:

- ☐ Provide a comment and attach any relevant documentation to explain any YES answers.
- ☐ Consult with appropriate State or local agency to obtain permit and requirements for handling, disposing of or addressing the effects of hazardous or toxic materials.

BACKGROUND

Reference: Comprehensive Environmental Response Compensation and Liability Act 42 U.S.C. § 9601. Standard for Hazardous Materials Environmental Site Assessments is ASTM E1527-97

This information is most relevant in property acquisition projects but can also be a consideration in any construction project. It is very important to identify potential contamination to avoid potential environmental liability and the associated costs. This issue should be of most concern to Sub-applicants in buyouts because they will hold the title to acquired property. FEMA will not fund the acquisition of contaminated property (with the exception being residential or commercial properties containing normal quantities of lead, asbestos, home septic systems, home heating oil tanks and normally occurring quantities of household hazardous materials).

State laws and policies vary from state to state therefore, it is important to check with state agencies when encountering any hazardous materials issues. Some potential sources of information include: consult with local fire marshal and other local authorities; consult with current and previous owner/s and/or neighbors; review local permit, land and tax records; have a qualified person walk the property; and seek assistance from State regulatory agencies.

Commercial and light industrial uses are sometimes found in residential areas. These include activities such as commercial auto repair in the home garage, paint stripping, hairdresser, woodworking, etc. Because not all in home commercial activities involve hazardous materials, make sure to indicate the specific type of "in home" commercial business activity. If there was a previous transportation facility on the property, note what the specific use may have been. For example, a parking lot used to store heavy equipment, a service a repair shop, or a building used



for storage of vehicles or equipment. If the site is suspected to be a hazardous or toxic materials concern, a site evaluation called an Environmental Site Assessment may be advisable to formally identify hazardous materials concerns.

For additional information on Federal oversight of hazardous and toxic materials, please visit the EPA web site at www.epa.gov/superfund/action/law/cercla.htm.

For the Resource Conservation and Recovery Act, visit <http://www.fema.gov/ehp/rcra.shtm>

I. Executive Order 12898, Environmental Justice for Low Income and Minority Populations

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| 1. Are there low income or minority populations in the area of effect of the project? <i>YES or NO</i> |
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If yes, then provide the following:

- ☐ Describe any adverse effects to those populations.
- ☐ What proportion of that population would be affected and will it be disproportionately affected? Please include specific efforts to address the adverse impacts in your proposal narrative and budget.

BACKGROUND

Environmental Justice requires Federal agencies to identify and address, where appropriate, adverse health or environmental effects when they disproportionately impact on minority populations or low-income populations in the United States. To identify areas that may be affected by a proposed activity, you may start by contacting your local planning department, development authority, social services agency, or other local agency to obtain information or census data regarding low income or minority populations in the area.

For additional information of Environmental Justice, please visit the FEMA Environmental Program web site at <http://www.fema.gov/ehp/ejeo.shtm>

J. Other Environmental Laws or Issues

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| 1. Are there other environmental requirements associated with this project that you are aware of? <i>YES or NO</i> |
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| 2. Are there controversial issues associated with this project? <i>YES or NO</i> |
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| <p>3. Have you conducted any public meeting or solicited public input or comments on your specific proposed mitigation project? <i>YES or NO</i></p> |
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If yes to any of these questions, please provide a description of the requirements, issues or public involvement effort.